IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 32724 of 2006(U)

PETITIONER: DEFENDANT:

VINOD, S/O.SREEDHARAN,
MADAPILLIL HOUSE, 20 ACRE KARA,
KUNJITHANNY VILLAGE, DEVIKULAM TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.BOBY MATHEW
ADV. MEERA . K.

RESPONDENTS: PLAINTIFF:

KALA RAJAN, W/O.RAJAN,
ANANDA MANDIRAM HOUSE, KANCHIYAR KARA,
AYYAPPANCOVIL VILLAGE,
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.32724 OF 2006

DATED THIS THE 8th DAY OF DECEMBER, 2006

JUDGMENT

Petitioner is the defendant in O.S.22/05 on the file of Sub Court, Thoudpuzha. Respondent is the plaintiff. The suit is for realisation of money due under an alleged dishonoured cheque. Petitioner filed I.A.600/06, to send the two letters, which were shown by the petitioner at the time of respondent's examination and denied by her and to a handwriting expert to find out whether those love letters were written by respondent or not. Under Ext.P4 order, learned Munsiff dismissed the application. It is challenged in this petition filed under Article 227 of Constitution of India.

2. The case of petitioner was that the cheque involved in the suit was a blank cheque, which was obtained by the respondent making use of her illicit relationship with the petitioner and the love letters denied by the respondent establish that the illicit relationship and therefore the documents are to be send to an expert. Under Ext.P4 order, learned Sub Judge found that the love letters sought to be proved are not relevant and therefore dismissed the application. Though learned Counsel appearing for petitioner vehemently argued that the order is to be interfered with, I do not find any infirmity in

Ext.P4 order warranting interference in exercise of the extraordinary jurisdiction of this Court under Article 227 of Constitution of India.

Petition is dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

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